

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK RONALD RUSSELL,

Plaintiff,

V.

ROBERT HOUSTON, DENNIS
BAKEWELL, MELVIN ROUF, and
MICHAEL EDISON,

Defendants.

4:09CV3249

MEMORANDUM AND ORDER

Proving, once again, that no good deed goes unpunished, the plaintiff, a prisoner in state custody, filed an ethics grievance with the state disciplinary authorities against his court appointed lawyers. Pursuant to the procedure agreed to between this Court and the Nebraska Supreme Court, the grievance was referred to me by Nebraska's Counsel For Discipline. I now deny the ethics grievance as frivolous.

Joshua Weir and Stuart Dornan were appointed to represent the plaintiff in this civil rights case. The plaintiff claimed that he was sexually assaulted by his cell mate and that the prison officials failed to protect him. The case was tried to a jury and, among other witnesses, the plaintiff and the alleged assailant testified. The assailant denied the assault. The jury returned a verdict for the defendants.

I presided over the trial. Appointed counsel did a great job. The jury simply did not believe the plaintiff. Indeed, he was not credible. Moreover, there was nothing to appeal since the instructions were of the standard variety. Still further, a lawyer has no obligation to provide his client with copies of each of the pleadings and court orders.

In any event, nothing these lawyers did or failed to do came anywhere close to a violation of the ethical standards governing lawyers practicing in the federal courts. *See* NEGenR1.7(b) (“Attorneys must refrain from conduct unbecoming of a member of the bar.”) On the contrary, I thank counsel for taking this case and for their commitment to the interests of justice. Therefore,

IT IS ORDERED that:

1. In this case, the Clerk shall file the letter from Dennis G. Carlson, Counsel for Discipline with the State of Nebraska, and the attachment. The document will be restricted.
2. Treated as an ethics grievance, the grievance is denied.
3. The Clerk shall open and close an attorney discipline case including a copy of this Memorandum and Order and the grievance in that file.
4. A copy of this Memorandum and Order shall be provided to Dennis G. Carlson, Nebraska’s Counsel for Discipline, Magistrate Judge Zwart, Joshua Weir, Stuart Dornan and Patrick R. Russell at his last known address.

DATED this 30th day of January, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge